

Admissibility of battered person syndrome in criminal cases  
(HB 2280 by Hinojosa/Uribe)

DIGEST: HB 2280 would have allowed a defendant in a criminal case to introduce "battered person syndrome evidence" as an argument for self-defense. It would have allowed admission of testimony of an expert witness on battered person syndrome and evidence of acts of violence committed by the victim against the defendant. The jury could have been charged with determination of whether the defendant "reasonably" used force against the victim.

GOVERNOR'S  
REASON  
FOR VETO:

Current law already allows prior acts of violence to be introduced as evidence in criminal trials. HB 2280 would dilute the discretion of courts by requiring a judge to allow such testimony and would unnecessarily broaden the admissibility of expert testimony on battered person syndrome.

RESPONSE:

Rep. Juan Hinojosa, the author of HB 2280, said that many courts in the state are not allowing the full picture to be presented by not allowing evidence of domestic violence against a defendant over the years to be heard at trial in order to show why a victim would resort to using a deadly weapon to defend herself against a usually physically superior adversary. This veto, in conjunction with other vetoed legislation aimed at easing the plight of battered women, shows how insensitive the Governor's Office is to the plight of women, Rep. Hinojosa said. Not only are they abused by their husbands, he said, but are also penalized by the system, and face losing their children.

Rep. Hinojosa said that the governor had received poor advice from his chief counsel, Rider Scott, and deputy general counsel, Knox Fitzpatrick, for the veto. He noted that minority lawmakers had called for Scott's resignation for allegedly making a racist remark about minorities serving on juries, and that Fitzpatrick had indicated that "not only was he insensitive to women in these situations, but that he had no comprehension of the situation to the point that it bordered on incompetence." Rep. Hinojosa added that both men "have a prosecutor mentality, do not understand the full picture, and are still living in the caveman era."

NOTES:

HB 2280 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report. Related legislation, HCR 119 by Hinojosa, which would have requested the governor to direct the Board of Pardons and Paroles to review those murder and first-degree felony cases that involved prior domestic violence for the purpose of recommending possible pardons or clemency, was also vetoed by the governor.